

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ANTHONY FOX,

Plaintiff,

v.

BAYSIDE STATE PRISON, et al.,

Defendants.

:
:
:
:
:
:
:
:
:
:
:

Civ. No. 14-5344 (RBK)

MEMORANDUM AND ORDER

Plaintiff is proceeding through counsel with a civil rights complaint filed pursuant to 42 U.S.C. § 1983. On October 30, 2014, defendants Bayside State Prison, the New Jersey Department of Corrections and Gary M. Lanigan filed a motion to dismiss the complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). (*See* Dkt. No. 5.)

On November 17, 2014, plaintiff filed an amended complaint. The filing of this amended complaint by plaintiff effectively moots defendants motion to dismiss the original complaint.¹

Accordingly, IT IS this 29th day of May, 2015,

ORDERED that defendants' motion to dismiss (Dkt. No. 5.) the original complaint is denied as moot in light of plaintiff's subsequent filing of an amended complaint.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge

¹ The Court is aware that defendants have since filed motions to dismiss the amended complaint as well. (*See* Dkt. Nos. 9 & 23.) Those motions will be analyzed in due course.